

Corporation Law", by The Informer) and (See Exhibit, "The American Admiralty, It's Jurisdiction and Practice, by Erastus C. Benedict, 1850)

197. Declarants have been presented with no evidence and believe that none exists that the United States government is not "a foreign corporation with respect to a state." *In re Merriam*, 36 N.E. 505, 141 N.Y. 479, affirmed 16 S.Ct. 1073, 163 U.S. 625, 41 L.Ed. 287; 20 C.J.S., Section 1785; and that Title 28, United States Code, Section 297 does not define the several States of the union as being "freely associated compact states" in subsection (a), and then refers to these freely associated compact states as being "countries" in subsection (b). Did you know that the individual states were considered to be foreign countries to the United States and to each other. (See Exhibit, pdf 28 U.S.C. §297)
198. Declarants have been presented with no evidence and believe that none exists that all revenue case matters and all tax matters of every nature are not governed and adjudicated under admiralty under the commercial nature of Maritime; and/or that the Internal Revenue Code regulations authorization found at 301.7401-1 is/are not admiralty rules under Maritime in-fact.
199. Declarants have been presented no evidence and believe that none exists that the Rules of Civil Procedure for the United States District Courts, Rules of Practice in Admiralty and Maritime Cases, and General Orders in Bankruptcy, Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Official Forms Prescribed by the Supreme Court of the United States etc. etc. are all Admiralty Rules consolidated under Title 28 of the United States Code.
200. Declarants have been presented with no evidence and believe that none exists that the United States Department of Justice- Attorney General did not create the [Federal] Bureau of Investigation in 1908 as an executive-administrative action and authority [The United States Government Manual 347-8, (1984)]. (See Exhibit, Historical and Revision Notes, and Library of Congress letter re: Charter of the Federal Bureau of Investigation)
201. Declarants have been presented with no evidence and believe that none exists that the Federal Bureau of Investigation (hereafter "FBI") operates in comportment with the mandates of federal law by "charter" or that it has ever not operated without a charter
202. Declarants have been presented with no evidence and believe that none exists that pursuant to 28 U.S.C. §535. "Investigation of crimes involving Government officers and employees; LIMITATIONS", the Attorney General and FBI was/were not restricted and limited by Congress in their criminal investigatory function to investigate [only] "any violation of title 18 involving Government officers and employees—" (See Exhibit, 28 USC §535)
203. Declarants have been presented with no evidence and believe that none exists that the funds of which do not appear to have been obtained through the U.S. Department of Justice Appropriations Act, May 22, 1908, ch. 186, Sec. 1 (par. Beginning "From the appropriations for the prosecution of crimes"), 35 Stat. 236, although said statutory provision makes no express mention of the "Bureau" or of the investigative function.
204. Declarants have been presented with no evidence and believe that none exists that the FBI does not operate as a matter of "policy" and "presumption of law" outside the District of Columbia and/or the federal territories as a routine practice; and/or that it does not also operate by "policy" and "presumption of law" outside of its Congressionally legislated mandate to limit its investigations to federal Government "officers" and "employees".
205. Declarants have been presented with no evidence and believe that none exists that the Declarants have ever knowingly entered into any official or employment capacity or relationship with the United States federal government or have ever been domiciled within the United States-District of Columbia as "residents", "citizens", "persons", "personnel", "individuals".
206. Declarants have been presented with no evidence and believe that none exists that Executive Order No. 6166 of June 10, 1933, of then President and Commander-in-Chief, Franklin Delano Roosevelt, did not issue just five (5) days after passing of House Joint Resolution-192, on June 5, 1933, which was a Joint Resolution to Suspend the Gold Standard and Abrogate the Gold Clause", and that Executive Order No. 6166, Section 3, did not specifically recognize the [Federal] "Bureau of Investigation" in the Department of Justice and provide that all the Bureau's functions together with the investigative function of the Bureau of
207. Declarants have been presented with no evidence and believe that none exists that by way of reference to all of the foregoing, the FBI is not restricted by legislative intent of the Congress, pursuant to the terms and conditions of Title 28, under rules of admiralty-maritime proceeding, to investigate and prosecute only those crimes under Title 18, which are against the federal United States (defined at 28 U.S.C. §3002(15) performed by federal "officers" and "employees".
208. Declarants have been presented with no evidence and believe that none exists that pursuant to the Title 18 reference under 28 U.S.C. §535, any applicable legislative authority of the United States Congress which purports to act within the several compact states on the people thereof must comport with the law of reasonable notice that a duty to perform or to act, or to not perform, or to not act, in any particular manner, has been expressly delivered to the people of the states by having been

published according to statute in the Federal Register under 44 U.S.C. §§1501 et seq., "Federal Register Act" and "Code of Federal Regulations".

209. Declarants have been presented with no evidence and believe that none exists that the people of the several states have ever not been under Admiralty and Maritime Rules [of law] since the time of Lincoln and his adoption of the Lieber Code and subsequent suspension of the Great Writ of Habeas Corpus.

210. Declarants have been presented with no evidence and believe that none exists that Internal Revenue Code cases [which are predicated most of the time on alleged duties and violations within 26 U.S.C.-Internal Revenue Code and in some cases Title 18 as well] do not proceed under admiralty-maritime rules; and/or that in all State tax cases, they do not proceed in admiralty-maritime as well [due to the simple fact that admiralty-maritime jurisprudence underlies all 'revenue' subject matters at the federal level, which is further due to the loss of distinction, diversity, and 'separation of powers' between the United States and the federal States thereof]; and/or that State tax issues do not proceed accordingly or that State tax codes are not promulgated on the federal tax code for reason that admiralty-maritime rules express the [International Commercial] Law Merchant and Law of Nations, which is commercial and now "uniform" in nature

211. Declarants have been presented with no evidence and believe that none exists that the Federal Government has not the constitutional or congressional authority to apply federal code provisions within the geographical boundaries of a sovereign State outside an enclave, possession located within said State in light of the clear prohibition of Title 4 USC §71-72, 40 USC § 255 and the definitions of Rule 54(c) (now Rule 1) of FRCrimP in light of the 10th Amendment.

212. Declarants have been presented with no evidence and believe that none exists that the prohibitions and restrictions on the constitutional or congressional authority of the Federal Government to operate within the geographic boundaries of a sovereign State outside an enclave, possession located within said State, and outside the District of Columbia, do not apply to the investigatory function of the U.S. Department of Justice-FBI; and/or that if Congress had so intended, it would not have stated its intentions clearly otherwise and assured that due notice was given to the states and the people thereof.

213. Declarants have been presented with no evidence and believe that none exists that each Declarant named herein has not been made the subject and object of Federal Government ("United States" and "State of North Carolina") executive, legislative, and judicial authority acting under *color of law* and by de facto doctrine presumption of law in excess of geographical, subject matter, and *in personam* jurisdiction and authority.

214. Declarants have been presented with no evidence and believe that none exists that said excess of jurisdiction and authority does not include nor is not limited to the unlawful armed invasion and forced search of Declarants' private abodes, and seizure-confiscation of certain of their private property in the form of papers, records, documents, equipment, and other private and personal effects.

215. Declarants have been presented with no evidence and believe that none exists that said armed invasions and seizure of property did not occur on North Carolina and Washington countries' soil against the Declarants and their private property on the a.m. of August 24, 2004 and a.m. of May 23, 2007 purportedly pursuant to particular offers to perform by Andrew F. Romagnuolo, acting as "Special Agent" of the FBI, and certain U.S. Magistrate Judge(s) on more than one occasion.

216. Declarants have been presented with no evidence and believe that none exists that said WARRANT(S) were not wrongly made with extreme prejudice and issued by joinder of said U.S. Magistrate Judges against the property of Declarants.

217. Declarants have been presented with no evidence and believe that none exists that discloses in particularity the nature of the allegations and/or charges being brought against them and their property by the "UNITED STATES", "STATE OF NORTH CAROLINA", ANDREW F. ROMAGNUOLO and other unknown employees, agents, officers, and officials thereof, and that the same have not given rise to substantial injustice on all counts of their acts.

218. Declarants have been presented with no evidence and believe that none exists that Declarants were not placed in harm's way and not subjected to extreme military duress by the armed invasion of their property.

219. Declarants have been presented with no evidence and believe that none exists that the STATE OF NORTH CAROLINA and STATE OF WAHSINGTON is/are not a federal agency, instrumentality and sub-jurisdiction of the "UNITED STATES", as defined at 28 U.S.C. §§3002(15)(A-C); and that said STATE(S) do not act at all times and doing business as/for a federally-operated, regulated, and federally-subsidized corporation under Federal Employer Identification Number(s).

220. Declarants have been presented with no evidence and believe that none exists that the federal STATE OF NORTH CAROLINA and STATE OF WASHINGTON is/are and all other "STATE(S) OF....." is/are not domiciled within the incorporated federal DISTRICT OF COLUMBIA, is/are not "U.S. person(s)", "permanent resident(s)" of the incorporated "UNITED STATES", and is/are not enfranchised "U.S. citizen(s)" thereof.

221. Declarants have been presented with no evidence and believe that none exists that there exists no "separation of powers" between the STATE OF NORTH CAROLINA and STATE OF WAHSINGTON with the UNITED STATES, as defined

at 28 U.S.C. §§3002(15)(A-C) or as defined at 26 U.S.C. §§7701(a)(9) and (a)(10). (See Exhibit, SEDM, "Separation of Powers Doctrine")

222. Declarants have been presented with no evidence and believe that none exists that there does not exist a distinct diversity between the "United States" and the several states of the American Union.

223. Declarants have been presented with no evidence and believe that none exists that Chief Justice Howard Taft in the 1921 Supreme Court case Balzac v. Porto Rico, 258 US 298 @ 312 did not state that "*The United States District Court is not a true United States court established under Article III of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under Article IV, § 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court.*"

224. Declarants have been presented with no evidence and believe that none exists that United States District Courts within the federal districts of the several states have no inherent character of federal judicial authority under Article III powers under the American Constitution and are not capable of receiving, holding, or acting upon such Article III powers.

225. Declarants have been presented with no evidence and believe that none exists that in congressional usage the phrase "district courts of the United States," without further qualification, traditionally has not included the district courts established by Congress in the states under Article II of the Constitution, which are "constitution" courts, but has included the territorial courts created under Article IV, Section 3, Clause 2, which are "legislative" courts. Hornbuckle v. Toombs, 85 U.S. 648, 21 L.Ed. 966 (1873).

226. Declarants have been presented with no evidence and believe that none exists that federal statutory provisions which have not been promulgated in the Federal Register (44 USC § 1505 et seq.) may not be legitimately and lawfully applied outside of the jurisdiction of the federal "United States," vis: The District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam and American Samoa, in light of Title 4 USC § 71-72, FRCrimP Rule 54 (c) [now Rule 1] and FRCP Rule 81 (e).

227. Declarants have been presented with no evidence and believe that none exists that pursuant to the Federal Rules of Criminal Procedure - Rule 54 (c) (now Rule 1) clearly does not state that: "*'Act of Congress' includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession; and 'State' includes District of Columbia, Puerto Rico, territory and insular possession; [and] an act of Congress cannot be utilized outside the above described venue within any one of the several States of the Union of States party to the Constitution for the United States of American without an implementing regulation promulgated for that specific purpose.*"

228. Declarants have been presented with no evidence and believe that none exists that Puerto Rico is part of United States within revenue clauses of Constitution. Downes v Bidwell (1901) 182 US 244, 45 L Ed 1088, 21 S Ct 770.

229. Declarants have been presented with no evidence and believe that none exists that the compact between United States and Puerto Rico (48 USCS §§731b et seq.) does make Commerce Clause of United States Constitution (USCS Constitution Art I, §8, cl 3) applicable to Puerto Rico. Mora v Torres (1953, DC Puerto Rico) 113 F Supp 309, affd (1953, CA1 Puerto Rico) 206 F2d 377.

230. Declarants have been presented with no evidence and believe that none exists that the statutes at large are not the laws of the United States and the codes at best are not but mere evidence of the laws of the United States and as such, are not binding upon anyone without said one's express written consent.

231. Declarants have been presented with no evidence and believe that none exists that Andrew F. Romagnuolo has not failed to inform the Declarants that the Title 18 codes provisions cited in the indictment are only mere evidence of the law and have limited application within the exclusive legislative jurisdiction of Congress as defined by the Supreme Court in Downes v. Bidwell, 182 US 244 and not within the jurisdictional venue of the several states.

232. Declarants have been presented with no evidence and believe that none exists that for a waiver of constitutionally secured right to be valid, it must not be made involuntarily, but intelligently, knowingly and with sufficient awareness of the relevant circumstances and likely consequences and not by presumptions grounded in intellectual dishonesty engaged in by corrupt executive agencies and unethical profit motivated executive offices. Brady v. U.S., 397 US 742 at 748. Boyd v. U.S., 116 US 616, Byars v. U.S., 273 US 23, Miranda v. Arizona, 384 US 436.

233. Declarants have been presented with no evidence and believe that none exists that Declarants have never given their express written informed consent grounded in a mutuality of agreement, meeting of the minds, to waive any of their God-given rights at any time prior, during or after the FBI investigation or any collection action by the IRS.

234. Declarants have been presented with no evidence and believe that none exists that the Federal Sentencing provision of 18 USC §3551 does not have regulations that apply only to 36 CFR- Parks, Forests, and Public Property and 43 CFR - Public

Lands: Interior, and 50 CFR – Wildlife and Fisheries according to the Code of Federal Regulations' Parallel Table of Authorities and Rules, may be legitimately and lawfully applied to alleged violations of federal statutory provisions not committed within the jurisdiction of the federal "United States" as outlined herein.

235. Declarants have been presented with no evidence and believe that none exists that both U.S. Attorneys and USCD Judges are not under criminal investigation by the Department of the Treasury, Internal Revenue Service-Criminal Investigation Division as indicated in the national archives website under the privacy act issuance Treasury/IRS system of management and files – file #46.002.

236. Declarants have been presented with no evidence and believe that none exists that the Assistant U.S. Attorney Jill Rose does not have "unclean hands" in light of the foregoing revelation of the IRS/CID's criminal investigation of U.S. Attorneys.

237. Declarants have been presented with no evidence and believe that none exists that Magistrate Judge EJ Swearingin does not have "unclean hands" in light of the foregoing revelation of the IRS/CID's criminal investigation of U.S. Judges.

238. Declarants have been presented with no evidence and believe that none exists that Magistrate Judge Howell does not have "unclean hands" in light of the foregoing revelation of the IRS/CID's criminal investigation of U.S. Judges.

239. Declarants have been presented with no evidence and believe that none exists that Judge Lacy Herman Thornburg does not have "unclean hands" in light of the foregoing revelation of the IRS/CID's criminal investigation of U.S. Judges.

240. Declarants have been presented with no evidence and believe that none exists that Judge Lacy Herman Thornburg does not have "unclean hands" in light of his expressed misrepresentation that he is a bona fide Constitutional Article III judge having full capacity and judicial authority thereof; and/or that this authority, character, and capacity has not been expressed in writing through the presents of the Clerk of the United States District Court on page one of the "new case" informational packet provided on new case filings. (See Exhibit, Clerk of USDC, Western District of North Carolina, Asheville Division)

241. Declarants have been presented with no evidence and believe that none exists that Judge Lacy Herman Thornburg has not willfully misused his judicial office under color of Article III authority to prejudice the rights and interests of the Declarants; and/or thereby has not given rise to material injustice and injury-in-fact due to the nature of Declarants Wahler and Hannigan previous pleadings inside subject matter, in personam, and territorial jurisdiction challenges which were denied.

242. Declarants have been presented with no evidence and believe that none exists that mandate of Canons of Judicial Conduct - Canon 2 regarding impropriety, bias and the appearance of the same as well as 28 USC §§ 144, 455 requires that a judge must recuse him/herself for cause in light of the compromised impartial status of said judge on account of Treasury/IRS system of management – file # 46.002.

243. Declarants have been presented with no evidence and believe that none exists that there is no written evidence certified under penalty of perjury that is available to the American public that EJ Swearingin, Dennis L. Howell, Lacy Herman Thornburg, and XXXXXXXX has ever taken and executed the mandatory oath of allegiance as a judge to support and defend the Constitution for the United States.

244. Declarants have been presented with no evidence and believe that none exists that the Constitution for the United States of America does not expressly prohibit the establishment of "titles of nobility" for government personnel both state and federal.

245. Declarants have been presented with no evidence and believe that none exists that any U.S. Attorney acting as "prosecutor" does not have an intolerable conflict of interest pursuant to reputed predetermined agendas motivated by a possible pecuniary kickback of approximately \$25,000 grounded in alleged "efficiency of administration of business of court" in criminal matters in light of 5 U.S.C. §§3371(3), 4502, 7342; 5 CFR §870.10; 28 U.S.C. §§602 et seq. in violation of the Ethical Professional Responsibility Code; and/or that if said kickback were expressed in legal tender money of account of Federal Reserve Notes (hereafter "FRNs" or equivalent thereof as Standard Currency Units (hereafter "SCUs") of the United States, either expression would be an obligation drawn on the United States Treasury; and if which said obligations were found to be raised to an account accrued or payable in name in any manner related to any material violation of said judicial Canons and Code, injury-in-fact arises against the named defendant(s) as well as against the United States under operation of the Federal False Claims Act, 31 U.S.C. §§3729 et seq.

246. Declarants have been presented with no evidence and believe that none exists that neither Titles 3, 18, 28 USC, and the Federal Magistrate Act were duly enacted into law by United States Congress on June 25, 1948.

247. Declarants have been presented with no evidence and believe that none exists that United States Congress had not adjourned for the year on June 20, 1948 and was not scheduled to be out of session until December 31, 1948. (See Exhibit, Session Notes, 80th Congress, 2nd Session)

- 1 248. Declarants have been presented with no evidence and believe that none exists that said Congress was not called back to
2 session by President Truman under the extraordinary circumstances criterion of Article II, Section 3 of the Constitution for
3 the United States of America on July 15, 1948 to reconvene on July 26, 1948.
- 4 249. Declarants have been presented with no evidence and believe that none exists that while said Congress was out of session
5 for approximately thirty-six (36) days, multiple so-called "laws" were not reputed to be "enacted" by Congress when in
6 point of fact, both Houses had adjourned for the year between June 19, 1948 to July 26, 1948.
- 7 250. Declarants have been presented with no evidence and believe that none exists that the "judicial officers" of the United
8 States District Court at Asheville, North Carolina, especially EJ Swearingin, Dennis L. Howell, Lacy H. Thornburg, and
9 their counter-parts in the federal district of Washington, are not sitting as "commissioners" and federal "employees" hired
10 under contract for employment on their execution of Federal Form FS-61, and are not presiding over alleged criminal
11 matters under admiralty-maritime rules in the nature of Federal Rules of Criminal Procedure, and also not presiding under
12 a seal and flag that properly belongs to the executive branch and the Executive authority of the Commander-in-Chief of the
13 United States government. (See Exhibit, "Gold-Fringed American Flags")
- 14 251. Declarants have been presented with no evidence and believe that none exists that the American doctrine of separation of
15 powers does not prohibit one branch of the federal government from exercising the powers of the other two branches of
16 said government.
- 17 252. Declarants have been presented with no evidence and believe that none exists that the same American doctrine of
18 separation of powers does not prohibit any agent, officer, employee of one branch of the federal government from
19 exercising the powers of the other two branches of said government.
- 20 253. Declarants have been presented with no evidence and believe that none exists that one branch of government has neither
21 right, power, privilege, permission, authority, etc. to influence, intimidate or otherwise control another branch of
22 government by way of coercion, bribes, threats or any other unlawful means to do its bidding, or the bidding of a principal.
- 23 254. Declarants have been presented with no evidence and believe that none exists that there does not exist a Nationally
24 Declared Emergency that also operates within the several States so as to displace Constitutional Law (contract) upon the
25 public servant. (See Exhibit, Senate Report 93-549).
- 26 Declarants have been presented with no evidence and believe that none exists that the Federal and State Constitutions do
27 in a legal and lawful capacity operate either directly or indirectly upon the common people while lacking the nexus with
Constitutional "oath", "signature", "bond", and/or "commission".
- 28 255. Declarants have been presented with no evidence and believe that none exists that the law does not belong to the people
29 and that neither public servants nor private parties have any right to "copyright" the law and yet have done so to the
30 detriment of the American people in their respective sovereign states.
- 31 256. Declarants have been presented with no evidence and believe that none exists that since about 1938 the Courts at all levels
32 are true constitutional courts of law whereby the people can raise Constitutional issues and have an expectation of a
33 Remedy based upon the Truth, Facts, and the Law and being neutral (the court), respecting and protecting the Rights and
34 Property of the people pursuant to Boyd v. United States, 116 US 616.
- 35 257. Declarants have been presented with no evidence and believe that none exists that Judges Swearingin, Howell, Thornburg
36 et al. are not bankrupt and/or insolvent in light of Article I, Section 8, Clause 5 in conjunction with Article I, Section 10,
37 Clause 1 of the Constitution for the United States as revealed in the case of Atkins v. U.S., apparently indebted to a foreign
38 creditor and directly subject to the will of the Congress and cannot even judge the constitutionality of any act of Congress.
- 39 258. Declarants have been presented with no evidence and believe that none exists that said "judicial officers" is a true Article
40 III Judge in light of their filing federal fiduciary bankrupt income tax form 1040 as a result of Executive orders 6011,
41 6073, 6102, 6260, and 12 USC 95a, wherein the then President Franklin Delano Roosevelt declared that the United States
42 was BANKRUPT, which as seconded by Congress through House Joint Resolution 192 of June 5, 1933, (See Senate
43 Report No. 93-549 (93rd Congress, 1st Session (1973)), later confirmed by the Supreme Court in Perry v. U.S., 294 Us 330
44 (1935).
- 45 259. Declarants have been presented with no evidence and believe that none exists that said "judicial officers" is not mere
46 employees of a Federal Corporation in light of their signatures on FS-61 forms.
- 47 260. Declarants have been presented with no evidence and believe that none exists that the United States Senate in Senate
48 Report No. 93-549 does not state that America is and has been a bankrupt nation since the middle of the 1930s.
- 49 261. Declarants have been presented with no evidence and believe that none exists that the filing of a 1040 tax form does not
50 evidence a diminishment of a judge's compensation through the compelled receiving and trafficking in *worthless*
51 *securities* issued by the Federal Reserve Bank Corporation.

262. Declarants have been presented with no evidence and believe that none exists that a territorial judge is not specifically prohibited from presiding over criminal matters due to the lack of constitutional muster pursuant to Article III of the American Constitution which provides: "The trial of *all crimes* . . . shall be by jury" is mandated only in Article III.
263. Declarants have been presented with no evidence and believe that none exists that only judges with Article III status have power to hear and decide criminal trials in light of U.S. vs. Will, et al., 66 L.Ed.2d 392, pgs. 405-407, Judges Terry J. Hatter, Jr., et al. vs. U.S.A., Case No. 91-5039, U.S. Court of Appeals for the Federal Circuit, Decision, January 16, 1992), Atkins v. U.S., 214 Ct. Cl. 41-76, 186, 556 F2d 1028, (1977), cert. denied, 434 US 1009, 54 L Ed 2d 751, 98 S Ct 718 (1978).
264. Declarants have been presented with no evidence and believe that none exists that in the case of Atkins v. U.S., 214 Ct. Cl. 41-76, 186, 556 F2d 1028, (1977), cert. denied, 434 US 1009, 54 L Ed 2d 751, 98 S Ct 718 (1978), federal judges did not bitterly complain of a diminishment of their compensation being in violation of the Compensation Clause of Article III Section 1 of the Constitution for the United States America.
265. Declarants have been presented with no evidence and believe that none exists that in Atkins supra said judges clearly did not indicate that "*as a result of inflation, the compensation of federal judges has been substantially diminished each year since 1969, causing direct and continuing monetary harm to plaintiffs.*"
266. Declarants have been presented with no evidence and believe that none exists that as measured by the Consumer Price Index (CPI), the official government measure of the purchasing power of the dollar, the real value of the dollar, has not decreased by approximately 34.5 percent from March 15, 1969 to October 1, 1975.
267. Declarants have been presented with no evidence and believe that none exists that since about 1989 the true purchasing power of the dollar is not less than zero regarding the constitutional mandate of Article I, Section 8, Clause 5 and Article I, Section 10, Clause 1.
268. Declarants have been presented with no evidence and believe that none exists that the federal circuit court of appeals in Terry J. Hatter, Jr., et al. v. U.S., Case No. 91-5039, did not plainly state in its decision in a footnote on page 2, that United States District Court judges are not Article III judges.
269. Declarants have been presented with no evidence and believe that none exists that Lacy H. Thornburg failed to prove on the record in this case that he is an Article III judge after being squarely challenged by the Declarant at various times.
270. Declarants have been presented with no evidence and believe that none exists that any Court or Judge can receive or exercise Article III judicial Powers when it/they are or can be directly or indirectly influenced by other branches of government or their departments (See: U.S. vs. Woody, 726 F.2d 1328);
271. Declarants have been presented with no evidence and believe that none exists that Jill Rose, acting as Assistant U.S. Attorney, did not know or should not have known that the United States District Court is NOT a Constitutional Court in the strict sense: (See: Cochran et al., vs. St. Paul & Tacoma Lumber Co., 73 F. Supp. 288), Balzac v. Porto Rico supra, and that Jill Rose did not have a duty to speak to this matter when having to address the Declarants' pleadings for relief on the basis of challenge to jurisdiction, as well as having to speak to this matter when addressing the same issues and retention of seized property by the FBI, Agent Romagnuolo, and his peer group of federal employees and State agents.
272. Declarants have been presented with no evidence and believe that none exists that all judges did not become mere "Commissioners" sitting under purported Treaties and International Agreements (primarily with Britain) and can or will proceed in the mode and manner prescribed by Article III of the ordained and established Constitution. (See: U.S. vs. Ferreira, 13 Howard 42).
273. Declarants have been presented with no evidence and believe that none exists that United States District Courts do not merely operate as trading pits/emporiums for foreign merchants who conduct their business through their appointed agents like Jill Rose under the dogma of summary judgment or plea bargains both of which are ancient law merchant practices from time immemorial in the courts of the staple, the staple being the forever un-payable national debt, even though this process is in direct violation of Britain's own Statute of Merton of 1235 A.D.
274. Declarants have been presented with no evidence and believe that none exists that the burden of proof is not upon Jill Rose to prove on the record that the instant action will be prosecuted in a true Article III court before an Article III Judge and not in an executive mercantile trading pit before a park commissioner established for the sole purpose of corporate, commercial, political, executive equity, grounded in expediency and convenience of the undisclosed beneficiary-in-interest and in-fact, his/her principal, the Exons of Britain.
275. Declarants have been presented with no evidence and believe that none exists that the issue of decrease in the real value of the dollar did not come about until after the gold/silver backing of the Federal Reserve Note was completely withdrawn in 1968.

276. Declarants have been presented with no evidence and believe that none exists that it is an undisputed fact that,

"Federal Reserve notes are not redeemable in gold, silver or any other commodity, and receive no backing by anything. This has been the case since 1933. The notes have no value for themselves, but for what they will buy. In another sense, because they are legal tender, Federal Reserve notes are "backed" by all the goods and services in the economy." (See Exhibit, United States Department of the Treasury, 'Currency' - 'Legal Tender Status')

277. Declarants have been presented with no evidence and believe that none exists that "legal tender" by definition may include "lawful money of the United States" ("money of exchange"), but also includes other forms of "money of account" which are not lawful money of the United States and are not 'backed' by substance, or anything other than "faith and credit" or "faith in credit". Money of account is based upon "credit banking" or "bank credits" and does not include "money of exchange" which expresses value in substance pursuant to Article I, Section 10 of the Constitution.

278. Declarants have been presented with no evidence and believe that none exists, that "currency" is not more or less a generic term which commonly refers to paper "dollars", Federal Reserve Notes, which are expression of the United States' "Standard Currency Unit", which is a non-redeemable valueless instrument of indebtedness used as bankruptcy scrip for flow-through processing, discharge, and settlement of obligations of account, but which can never "pay" a debt in law.

279. Declarants have been presented with no evidence and believe that none exists that FRAUD does not vitiate all contracts. (U.S. v. Throckmorton, 98 U.S. 61, pg 65)

280. Declarants have been presented with no evidence and believe that none exists that the Internal Revenue Code does not define a DEBT INSTRUMENT as a bond, debenture, note, or certificate or other evidence of indebtedness. IRC ' 1275

281. Declarants have been presented with no evidence and believe that none exists that the Internal Revenue Code does not lack any definition for the term "money", and that the courts have not concluded that "money" does not embrace bonds, debentures, notes, or other evidence of indebtedness. (Knox v. Lee, 12 Wall 552 and Bank of N.Y. v. New York County, 7 Wall 26.)

282. Declarants have been presented with no evidence and believe that none exists that in over nine-thousand pages of the Internal Revenue Code the term "income" has not been defined by Congress. (Eisner v. Macomber, 252 US 189, 206, and Ballard v. United States (1976 CA8), 535 F2d 400, 404.

283. Declarants have been presented with no evidence and believe that none exists that debts that are not redeemable are not valueless. (Ontario Bank v. Lighbody, 3 Wend. 101, and Eckart v. Burnet, 283 US 140, and Helvering v. Price, 309 US 409, and Gregory v. Helvering, 293 US 465, Putnam v. Commissioner, 352 U.S. 82 (1956), and Williams v. Commissioner, (1977) 429 U.S. 569.)

284. Declarants have been presented with no evidence and believe that none exists that debt instruments like the current Federal Reserve Notes which lack the ability of redemption cannot form the basis of a tax obligation under the Internal Revenue Code due to the diminished fair market value and irredeemable nature of said debt instruments in light of IRC "1((f)93), (4), (5);, 63 (c) (4) and HJR-192.

285. Declarants have been presented with no evidence and believe that none exists that Federal Reserve Notes obligate the U.S. Government or anybody else to pay the face value of said notes as plainly stated in the tender ledger on the face of said notes, which merely state: *This note is legal tender for all debts public and private*, which provides nothing more than a legal offer and nowhere on the entire face of the note is the 1950 Federal Reserve Note series redemption clause: *redeemable in lawful money of the United States Treasury or at any Federal Reserve Bank*, which clauses are specifically set forth under 12 U.S.C.A. §§411, 152, and 354.

286. Declarants have been presented with no evidence and believe that none exists that the use of Federal Reserve Notes is not the "use of private credit". (Lewis v. United States, supra. and Westfall, Stewart & Co. v. Newell Braley, 10 Ohio 188, 191, 192, 75 Am. Dec. 509 (1859).

287. Declarants have been presented with no evidence and believe that none exists that the redemption clause above cited does not obligate the U.S. Government or the Federal Reserve Bank System to pay the face amount in lawful money of exchange which is defined in Bouvier's Law Encyclopedia Dictionary as "gold and silver coin per Article I, Section 8, Clause 5 and Article I, Section 10, Paragraph 1, Clause 5 of the Constitution for the United States of America or its intrinsic equivalent. (Knox v. Lee, 12 Wall 552, and Bank of N.Y. v. New York County, 7 Wall 26)

288. Declarants have been presented with no evidence and believe that none exists that the current Federal Reserve Notes are in compliance with Title 12 U.S.C. §§411, 152, and 354; and/or said another way, that the Federal Reserve [Bank] System and the United States Treasury and the United States Congress, and the Department of Justice-Attorney General are not

1 fully aware that Federal Reserve Notes are not in compliance with standing settled U.S. laws and that Federal Reserve
2 Notes are fully NOT IN COMPLIANCE and are in violation of U.S. laws.

3 289. Declarants have been presented with no evidence and believe that none exists that 12 U.S.C. §411 is not still good law and
4 does not state in part, *"The said notes shall be obligations of the United States and shall be receivable at all national and*
5 *member banks and Federal Reserve banks and for all taxes, customs, and other public dues. They shall be redeemable in*
6 *lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia,*
7 *or at any Federal reserve bank."*

8 290. Declarants have been presented with no evidence and believe that none exists that the specie of Federal Reserve Note
9 which did have the necessary 'redemption clause' on face is now no longer in general or public circulation.

10 291. Declarants have been presented with no evidence and believe that none exists that there is not a clear distinction between a
11 debt discharged and a debt paid. When discharged the debt still exists though divested of its character as a legal obligation
12 during the operation of the discharge. (Stanek, White, 172 Minn. 390, 215 N.W. 784, (1927) Black's Law Dictionary
13 Revised Fourth Edition page 550.

14 292. Declarants have been presented with no evidence and believe that none exists that are not merely "evidence of debt owed
15 to the Federal Reserve Bank", and Federal Reserve Notes are not other than the first and paramount lien on all assets of
16 such a bank (Title 12 §414), and as such are incompetent in the ability to extinguish any debt obligation.

17 293. Declarants have been presented with no evidence and believe that none exists that the Constitution for the United States of
18 America does not state "a tender in payment of debts", whereas a "tender for all debts" is stated.

19 294. Declarants have been presented with no evidence and believe that none exists that payment does not constitute the delivery
20 of money only, denominated dollars under the Coinage Act of April 4, 1792. Whereas Federal Reserve Notes were not an
21 attempt by Congress to make dollars. (U.S. v. Ballard, 14 Wall. 457, 20 L. Ed. 845). Further, the legal tender acts do not
22 attempt to make make paper a standard of value..., nor do we assert that Congress can make anything that has no value
23 money...@ Knox v. Lee, 12 Wall 552. Emphasis added

24 295. Declarants have been presented with no evidence and believe that none exists that the mere discharging of worthless or
25 irredeemable debt instruments somehow constitutes a "gain" or "profit".

26 296. Declarants have been presented with no evidence and believe that none exists that the U.S. Supreme Court in
Williams v. Commissioner supra, held that a debt cannot be taxed as income because a debt is something that may
never be paid.

29 297. Declarants have been presented with no evidence and believe that none exists that current Federal Reserve Notes
30 do not meet the meet the description and definition of a "note" as defined in the IRC §1275 as evidence of
31 indebtedness and worthless security as defined in IRC §165(g).

32 298. Declarants have been presented with no evidence and believe that none exists that it is not a legal impossibility to "pay a
33 debt" with an instrument that is irredeemable or intrinsically worthless for the simple fact that one cannot pay debt with
34 another debt due to the failure of consideration due in part to a lack of actual delivery of a thing of value. (Knox v. Lee, 12
35 Wall. 552)

36 299. Declarants have been presented with no evidence and believe that none exists that the law can require impossibilities.

37 300. Declarants affirm that being deprived of lawful money of the United States of America, as a result of the national
38 bankruptcy stipulated in House Joint Resolution 192 on June 5, 1933 as indicated in Senate Report #93-549, Declarant
39 denies and disclaims any voluntary participation or "election" to participate in any mercantile/maritime admiralty
40 jurisdiction of Social Security Account in any venue of the Foreign Trade Zone of the federal corporate STATE OF
41 NORTH CAROLINA or STATE OF WASHINGTON. (See IRC §4612(a)(4)(C), Title 19 U.S.C. §81a et seq.)

42 301. Declarants affirm that for all of the services performed and/or labor provided, they have never received anything of value
43 in payment for said services as a direct result of HJR-192 that would constitute taxable income.

44 302. Declarants affirm that instead they have been forced to collect gross receipts of worthless instruments of indebtedness as
45 defined under IRC §§165(g) 1275, R&TC §19312 that are in point of fact irredeemable under the mandate of Article I,
46 Section 10, Paragraph 1, Clause 5 of the Constitution for the United States of America or under your 12 USCA §411 in
47 conjunction with the herein cited sections of the IRC, Title 26 of the USC, which Title 26 has never been passed into
48 positive law nor published in the Federal Register.

49 303. Declarants have been presented with no evidence and believe that none exists that Internal Revenue Code, Section 6065,
50 'Verification of returns' does not state: *"Except as otherwise provided by the Secretary, any return, declaration,*
statement, or other document required to be made under any provision of the internal revenue laws or regulations shall
contain or be verified by a written declaration that it is made under the penalties of perjury."

304. Declarants have been presented with no evidence and believe that none exists that in 1976 Public Law 94-455, Sec. 1906(a)(6), did not delete subsection (b) and delete the heading of subsection (a) effective 2.1.77; and, or that prior to the deletion from print subsection (b) did not read as follows: "(b) Oath "The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. This subsection shall not apply to returns and declarations with respect to income taxes made by individuals."
305. Declarants have been presented with no evidence and believe that none exists that neither the Social Security Administration nor the Internal Revenue Service ever informed me about these facts prior to signing for and accepting any fiduciary obligations or accepting any implied or compelled benefit as alleged beneficiary of any express or implied constructive [charitable] trust under said SSAN's of Declarant(s), which is unethical, unlawful, immoral, fraud, bad faith, unclean hands, fraud by inducement and misrepresentation, conspiracy, extortion, and wrongful conversion amongst many other things.
306. Declarants have been presented with no evidence and believe that none exists that Peonage and involuntary servitude were not the intent of the owners of the Bank of England and other foreign powers of the the "Money Trust" all along, and that such conditions and degradation have befallen Americans since at least 1860, due to their lack of training or education in matters of law, commerce, and politics in general as well as due to prolonged periods of military duress and restraint heaped upon them as predictably as the rain; and that Peonage and involuntary servitude are not expressly prohibited under the 13th Amendment and R.S. §1990 [42 U.S.C. §1994], Clyatt v. United States (1905) 197 US 207, 49 L. Ed 726, 25 S Ct 429.; Bailey v. Alabama (1911) 219 US 219, 55 L. Ed. 191, 31 S Ct 145.; United States v. Reynolds (1914) 235 US 133, 59 L Ed 162, 35 Ct 86; Taylor v. Georgia (1942) 315 US 25, 86 L Ed 615, 62 S Ct 415
307. Declarants have been presented with no evidence and believe that none exists that said AUSA Jill Rose has constitutional or congressional authority to prosecute the Declarants by way of a "skeletal indictment" that is completely void of the mandatory invocation of the commerce clause and implementing provisions by Congress addressing the issue of "venue" specifically stated on the face of charging instrument to justify the injection of the specifically limited subject matter jurisdiction of the Article IV territorial United States District Court into the North Carolina and Washington republic's venue.
308. Declarants have been presented with no evidence and believe that none exists that said AUSA Jill Rose has constitutional or congressional authority to prosecute the Declarants without providing clear evidence of a duty under the alleged criminal statutes by proper constitutional notice which constitutes a denial of due process.
309. Declarants have been presented with no evidence and believe that none exists that the United States Code and Code of Federal Regulations do not provide a remedy to the abrogation of the 'gold clause' by HJR-192, and that all state and federal statutes, including the Uniform Commercial Code acknowledge that "bills of exchange" and "bills of acceptance" are but one form of 'legal tender' which the federal reserve banks and national banks may accept in the due course of business.
310. Declarants have been presented with no evidence and believe that none exists that the making, issuing, and delivery of certain "bills of exchange" and/or "bills of acceptance" were not done in good faith, after long arduous period of self-study, and coming into reliance upon written determinations of judicial officers of both federal and state courts. (See Exhibits X, Sara Fugate Case Materials From District Court Case File; and ExhibitX, Jerry Williamson Case Materials From United States District Court File)
311. Declarants have been presented with no evidence and believe that none exists that Declarants cannot rely on the findings of judicial officers of the United States courts in making an informed and reasonably educated choice, pursuant to inherent rights under the Constitution, by statute and regulation, by the Uniform Commercial Code, and in context to HJR-192, to redeem the pledge(s) made against them and their property as American state nationals on the several states republic, by parties wholly unknown and having no agreement or legal or Constitutional authority or capacity to do so.
312. Declarants have been presented with no evidence and believe that none exists that there exists a prohibition against the making and issuing of a private credit instrument for bank credit purposes, and that private issue promissory notes are but one form of bank credit instruments which most every banker will accept to raise "money of account".
313. Declarants have been presented with no evidence and believe that none exists that they did not make every deliberation and exercise due caution in the making and delivery of said instruments, and only after the face of the instrument had been carefully constructed to include a commercial disclaimer whereby if the instruments were deemed to be in violation of any law, or prohibited by law, the instruments were null and void *nunc pro tunc*, ie. VOID WHERE PROHIBITED BY LAW.
314. Declarants have been presented with no evidence and believe that none exists that the instruments were not made and drawn correctly according to correct procedure provided to Declarants by the parties, Sara Fugate and Jerry Williamson.

- 1 315. Declarants have been presented with no evidence and believe that none exists that the Declarants did not study two books
2 on the subject that were in print at the time ("The Commerce Game" and "Cracking the Code") amongst other literature to
3 move with informed intent in good faith and to act in a manner wholly consistent with taking personal responsibility for
4 their lives by attempting to discharge obligations at law which could not be paid with lawful money, and to issue private
bank/banker credit instruments on their status as Secured Creditors, Principals-in-fact, Holders-in-Equity, and source of
7 "Prime Credit" or "Faith and Credit" to the United States and the States, whereby the "public debt" could be reduced and
8 not expanded or increased by the face amount on their instruments as the FBI and others would lead the misinformed
listener to believe.
- 9 316. Declarants have been presented with no evidence and believe that none exists that the redemption of the pledge against
10 their lives and property is not but an expression of their fundamental right of self-survival, amongst other enumerated and
11 reserved rights under the Constitution and the Bill of Rights. (Carter v. District of Columbia, March 2007)
- 12 317. Declarants have been presented with no evidence and believe that none exists that Declarants did not make every
13 reasonable effort to address their concerns and conduct due diligence by giving formal administrative notice and demand
14 for Proof of Claim and rebuttal to Attorney General, Roy Cooper, for the STATE OF NORTH CAROLINA to which the
15 Attorney General failed or refused to respond on not less than three occasions; he last of which notice was conducted by a
16 State of North Carolina Notary Public as disinterested third-party mail server who could act in official capacity to conduct
17 formal "commercial protest" on documents and/or instruments of a commercial nature pursuant to U.C.C. 3-505(b), and
18 then certify the administrative record accordingly as to any response. There was no response, and the subject as a matter
19 of fact was certified and entered conclusively as a matter of default by non-response in the Haywood County Registry.
20 (See Exhibit , Proof of Claim-Roy Cooper)
- 21 318. Declarants have been presented with no evidence and believe that none exists that Roy Cooper did not remain silent to
22 certain commercial administrative presents, thereby tacitly agree to all the terms, conditions, and facts contained therein,
23 and waive any right of protest, dispute, or objection in the future under the rule of *estoppel in pais*.
- 24 319. Declarants have been presented with no evidence and believe that none exists that pursuant to Title 18, U.S.C. §8, does
25 not define a Federal Reserve Note as an "obligation of the United States".
- 26 320. Declarants have been presented with no evidence and believe that none exists that the Declarants were in violation of any
27 United States law in the making of private negotiable "bank credit" instruments for protest, settlement, and discharge of a
28 fictitious obligation affixed to them, or that they were attempting to create "new" "fictitious" obligations" of the United
States. As a point in fact, Declarants have no evidence and believe that none exists that they were not doing just the
opposite of creating new or fictitious obligations of the United States.
- 31 321. Declarants have received no evidence and believe that none exists, that they ever received or were delivered any thing of
32 value in the commercial transactions for "bank credit", due to all of the foregoing, and because the entire monetary system
33 operates only in debt and deals only with instruments of indebtedness ("bank credit"-having no substance), a debt and an
34 obligation pre-exist the issuance of bank credit, which equates to no "equity" loaned in-fact, only indebtedness created and
35 transferred for "flow through" transactional treatment for discharge of obligation(s), wherein no debt can ever be paid at
36 law because a debt cannot "pay" a debt..
- 37 322. Declarants have received no evidence and believe that none exists that "bank credit" does not issue first from the
38 fiduciary- creditor or depositor, and that any "borrower" on signature application for "bank credit" 'money [of account]',
39 does not 'fund' the purported loan transaction by "originating" the funds on application and tender of a promise to pay;
40 and/or that once delivered and accepted by the banker, the "borrower's" "consideration" is not then deposited, sold,
41 hypothecated, or otherwise treated in a manner wholly unknown to the borrower, and wholly inconsistent with and in
42 violation of Generally Accepted Accounting Principles (hereafter "GAAP") and all of the necessary requirements which
43 must be present for consummation of a bona fide contract. Such transactions must fail simply on the absence of delivery
44 of a good consideration, yet alone on the added elements of fraud, failure to make full disclosure of material facts, mutual
45 consent, etc.
- 46 323. Declarants have received no evidence and believe that none exists that the two primary principles of GAAP are not in
47 general described as : (1) "matching principle" (for every asset there must be a liability), and (2) "representational
48 faithfulness" (for every book-entry of account there must be a real constructive event in support of both asset and liability
49 book entries).
- 50 324. Declarants have received no evidence and believe that none exists that by a bank "lender" or "loan originator" not
51 acknowledging the liability raised at the time of monetizing a loan application and/or promissory note, a constructive fraud
52 arises whereby a new liability is created as a result of fraud and breach of fiduciary duty to make full disclosure and to
53 comply with the rules of GAAP. (See Exhibit , Affidavit of Walker F. Todd)

325. Declarants have received no evidence and believe that none exists that in every event where they presumed to perform inside of a commercial 'loan agreement', they were as "borrower" not the "fiduciary-creditor-in-fact" and the "lender" was not the "fiduciary debtor-in-fact".

326. Declarants have received no evidence and believe that none exists that gives verifiable certainty that all of the foregoing is not true, correct, and reasonably complete general analysis of the "loan making" process under Generally Accepted Accounting Principles and the current thrust of "public policy" operating the "United States" in international bankruptcy under the admiralty-maritime Law of Nations.

327. Declarants have received no evidence and believe that none exists that the signer for the loan is not actually the creditor to the borrower, and the borrower is not a diverse and distinctly different 'person' than the signatory for the credit.

328. Declarants have received no evidence and believe that none exists that upon the federal bankruptcy of 1933 and suspension of our national monetary standard, a VOID was not created as a result, and that the VOID was ripe with potential to completely reform and reorganize the national government to operate the "United States" in "equitable receivership" in an implied trust or constructive trust; and/or that in a "resulting trust" or "implied trust", there are any terms of how and who is to administer the terms of the trust.

329. Declarants have received no evidence and believe that none exists that the United States has not been operating as a "resulting" or "implied trust" since around 1933, which is in the nature and cause for HJR-192 and Executive Order #6166 and all other Orders, Acts, etc. of that time. Many of the other Executive Orders referenced in Executive Order #6166 can be found in the Appendix to Title 5, Administrative Procedures Act.

330. Declarants have received no evidence and believe that none exists that Executive Order #6166 does not reveal the real intent of the then "creditors" to the United States, conceived and implemented with military-style precision, to orchestrate the usurpation of the People and the national [Republican] form of government of the United States of America, and that the Order does not provide definitive terms by which the "pledge" against the People, their rights, interests, property, hereditaments, labor, and all productive means were to be disposed of, taken by "procurement", "warehoused", and "distributed" according to the terms of "adminstrating" the new "PUBLIC TRUST" under the new "PUBLIC POLICY", which replaced "PUBLIC LAW"; and that "public policy" is not now operating in contravention or suspension of the Constitution for the United States of America as "private law" having a commercial-admiralty-maritime-municipal-legislative-administrative-commutarian/communal law nature. (See Exhibit, Senator Harkins, "IRS Knowledge")

331. Declarants have received no evidence and believe that none exists that the Declarants do not have provisional remedies to the thrust effect of the "PUBLIC TRUST", and that those remedies would not be in-part found within the Trading With the Enemy Act of 1917 (hereafter "TWEA")-40 Stat. 411 as amended by 48 Stat. 1, and the Foreign, Sovereign, Immunities Act of 1976 (hereafter "FSIA")-of October 21, 1976, P.L. 94-583, and codified at 28 U.S.C. §1330 and §§1602 et seq. and 18 U.S.C. §§1112, 1116.

332. Declarants have received no evidence and believe that none exists that Declarants are not American state nationals and Citizens of the United States of America by nativity, which is foreign to and outside the United States/District of Columbia; and that the United States does not at all times presume, claim, and compel them to be "U.S. citizens" and residents' or "resident aliens", even to the extreme degrees of using brute force and armed assaults to compel silent assent to 'compliance' with the U.S. statutory-administrative scheme.

333. Declarants have received no evidence and believe that none exists that Executive Order #13037 does not mischaracterize and libel the Declarants by classifying them under the U.S. statutory-administrative scheme as "human capital", which is a predominantly commercial term which has legal meaning inside the Executive Order, and that said Order goes directly back to Executive Order #6166 of June 10, 1933 wherein "property" is to be "procured" to the Treasury Department, of which the Alien Property Custodian and the Procurement Division took possession of said property until later revisions were ordered.

334. Declarants have received no evidence and believe that none exists that Executive Order #6166 does not document numerous other Executive Orders of or around the same time, and that they jointly or severally do not work to fill the VOID of the 'resultant trust' or 'implied' 'constructive trust' to emerge and replace the Republic Union of American States with an undisclosed, secretive, power-hungry all-consuming "corporatism" where no man's 'individuality' is valued and no man's rights are valued above the lowest common denominator of the collective mass (general) population, otherwise called "democracy" or "socialism".

335. Declarants have received no evidence and believe that none exists that the Social Security Act of 1935 was not the constructive legislative act that pushed the people and the states into full-on socialism acting under or contiguous with the federalization or "corporatism" of the national government; and that as a result of the nature of an "implied trust", it can develop or devolve to become anything that those who hold power within or over it so determine.....even at further cost of the inalienable rights that the Founders bled to provide the People as the Posterity.

336. Declarants have received no evidence and believe that none exists that the non-publication of the M3 'money supply' statistic by the present Federal Reserve System and Board of Directors is not other than a device intended to evade "full disclosure" "transparency" and actual accountability for how the United States Treasury and the Federal Reserve act on the implied trust to project interests that are not those of the "nation", "people", or the "government".

337. Declarants have been presented with no evidence and believe that none exists that the Internal Revenue Service is not a foreign power acting inside the states of the United States of America on the people without legislative authority to do so.

338. Declarants have been presented with no evidence and believe that none exists that Treasury Delegation Order No. 91 does not expressly show that the IRS entered into a "Service Agreement" with the U.S. Treasury Department (See Public Law 94-564, Legislative History, pg. 5967), "Reorganization" (Bankruptcy) Plan No. 26) and that the Agency is not but an international paramilitary organization, and according to the Department of the Army Field Manual (1969) 41-10, pgs 1-4, Sec. 1-7 (b) & 1-6, Sec. 1-10 (7) (c)(1), and 22 USCA 284, does not include such activities as, "Assumption of full or partial executive, legislative, and judicial authority over a country or area."

339. Declarants have been presented with no evidence and believe that none exists that the IRS is not also an agency/member of a 169 nation pact called the International Criminal Police Organization, or INTERPOL, found at 22 USCA 263a; and that the Memorandum of Understanding (MOU), between the Secretary of the Treasury, aka the corporate governor of the "FUND" (International Monetary Fund) and the "BANK" (International Bank for Reconstruction and Development) does not express that the Attorney General and associates are soliciting and collecting information for foreign principals; the international organizations, corporations, and associations, exemplified by 22 USCA 286f.

340. Declarants have been presented with no evidence and believe that none exists that the 1994 U.S. Government Manual, page 390, does not state that the Attorney General is the permanent representative to INTERPOL, and the Secretary of the Treasury is the alternate, and that under Article 30 of the INTERPOL Constitution (a contract) these U.S. executive officers and "U.S. citizens" must expatriate their citizenship and allegiance to the sovereign nation from which they derive when coming into INTERPOL.

341. Declarants have been presented with no evidence and believe that none exists that IRS agents are not "Agents of a Foreign Principle" within the meaning and intent of the "Foreign Agents Registration Act of 1938" for private, not public, gain; and that the same legal standards would be applicable to anyone, including any elected, appointed, or commissioned "person" who has taken up "public service" having a fiduciary relationship to the People and the states of the United States of America; and that if any official or employee of the United States so elected, appointed, or commissioned holds dual capacity by way of oath and allegiance to a foreign power, they are without capacity to serve the public or national interests of the people and the states and the United States pursuant to Constitutional nexus of oath, bond, and commission. (See Exhibit, "Meet the IRS")

342. Declarants have been presented with no evidence and believe that none exists that the Attorney General and his entire Department of Justice, including the Office of U.S. Attorneys, Federal Bureau of Investigation et al, are not operating *ultra vires* by virtue of the fact that the chief executive officer of the entire Department of Justice is under oath and sworn allegiance to at least one trans-national foreign power, and possibly more.

343. Declarants have been presented with no evidence and believe that none exists that the U.S. Treasury was not significantly altered in 1921 in terms of its functional capacity and relationship to the "Government". (41 Stat. Ch 214 pg. 654)

344. Declarants have been presented with no evidence and believe that none exists that according to Presidential Documents (Volume 29-No.4 pg. 1113, 22 U.S.C. 285-288) do not express the fact that the United States Treasury is now the International Monetary Fund (IMF).

345. Declarants have been presented with no evidence and believe that none exists that the IMF is not an instrumentality and agency of the United Nations, and that the IRS is not a function of the IMF, which is under control of the corporate Governor of the "Fund" and the "Bank"; and/or that the IRS and the Federal Reserve Bank System are not privately owned and operated under private statutes.

346. Declarants have been presented with no evidence and believe that none exists that the IRS operates under Constitution law or in the interest of the people and nation, but instead act exclusively for the interest of this country's foreign creditors.

347. Declarants have been presented with no evidence and believe that none exists that the national Constitution grants authority to Congress to delegate any authority by its tax collection power to a private corporation, which collects our 'federal' and 'state' taxes to pay to a private bank, the Federal Reserve, which then deposits the proceeds into the "Treasury" of the IMF.

348. Declarants have been presented with no evidence and believe that none exists that the IRS ever states that they collect taxes for the United States Department of the Treasury, but instead only ever refer to "Department of the Treasury" and/or

1 "the Treasury", which is an intentional act of obfuscation misrepresentation by non-disclosure as to the Principal of the
2 IRS.

3 349. Declarants have been presented with no evidence and believe that none exists that the Declarants did not constructively
4 intend delivery [by "flow through processing" visa vie the Secretary of the U.S. Treasury, who is also the Keeper-
5 Executive Trustee of the U.S. Bankruptcy and corporate Governor of the IMF], their "private banker" issued negotiable
6 instruments for discharge of obligations of Account, held by the corporate Governor and "Secretary" of the "Treasury" of
7 the IMF, and not for treatment of "drawing" down on U.S. Treasury funds on a U.S. Treasury Account.

8 350. Declarants have been presented with no evidence and believe that none exists that the Bills of Acceptance-Bills of
9 Exchange made and issued by Declarants use any reference to the "U.S. Department of the Treasury" but instead only
10 direct the instrument to the attention of the "Secretary of the Treasury" in keeping with standard "Department of the
11 Treasury-IRS" commercial presentments to all purported "tax payers"; and that nowhere on any IRS notices does one ever
12 find any word art using the name of the person of the "Secretary of the United States Treasury" or "U.S. Secretary of the
13 Treasury" or "U.S. Department of the Treasury" for all of the foregoing reasons.

14 351. Declarants have been presented with no evidence and believe that none exists that the offer of performance and to contract
15 by Andrew F. Romagnuolo and his co-conspirators is not but an "enforcement action" to administer admiralty assaults by
16 "pains and penalties" and the it is being offered for international foreign interests outside the United States of America
17 under authority of the Attorney General, and Secretary of the U.S. Treasury, who are allegiant only to the international
18 bankers, international quasi-governmental or non-governmental agencies, which operate in commerce pursuant to
19 admiralty-maritime and Uniform Commercial Cod for the benefit of the Money Trust, Crown, and undisclosed private and
20 public creditors who control the now-defunct "three branches of government" visa vie FRAUD. (See Exhibit, "Fraud
21 Cites")

22 352. Declarants have been presented with no evidence and believe that none exists that Declarants' tender performance of
23 private negotiable instruments were ever returned for correction or "dishonor" with objection, which under the U.C.C. is
24 "discharge of obligation" for failure to return the instrument timely for any reason, whether valid or invalid.

25 353. Declarants have been presented with no evidence and believe that none exists that the parties to whom Declarants tendered
26 their private negotiable instruments were not fully aware of the fraudulent nature of the constructive "contract" for "bank
27 credit" or "money of account" created by the bank "lender" for failure to disclose the liability due the original depositor on
28 the delivery of consideration in the form of application and promissory note, and that such practices do not derive from the
"top down" via "policy" and "procedure" disseminated from the parent corporation to all of its subsidiary corporations and
all officers, agents, and employees thereof.

31 354. Declarants have been presented with no evidence and believe that none exists that every alleged obligation raised to any
32 loan account of the Declarant(s) by any means of fraud or misrepresentation does not give rise to substantial injustice and
33 'injury-in-fact', compounded by the degree of intention to suppress or distort the facts and the Truth of the matter; and
34 where something other than good faith and fair dealings is at work inside a transaction to the detriment of a party, the
35 transaction is VOID and VOIDABLE on its face FOR LEGAL CAUSE, the purported contract "vitiated" due to FRAUD.

36 355. Declarants have been presented with no evidence and believe that none exists that their instruments were not intended for
37 "flow-through" processing to the "Secretary of the Treasury" (IMF-IRS) and not to the U.S. Secretary of the Department
38 of the Treasury.

39 356. Declarants have been presented with no evidence and believe that none exists that any "pledge" by any man or body of
40 men against the Declarant(s) for any reason, including the intended purpose to convert them into a commercial "franchise"
41 affixed or identified with a constructive trust, is not VOID FOR LEGAL CAUSE *nunc pro tunc*.

42 357. Declarants have been presented with no evidence and believe that none exists that failure to make full disclosure of the
43 nature and cause of charges against them is not contrary to the 6th Amendment guarantee.

44 358. Declarants have been presented with no evidence and believe that none exists that Jill Rose as the government's attorney is
45 in a peculiar and very definite sense the servant of Federal law, the twofold aim of which is that guilt shall not escape or
46 innocence shall suffer, she may prosecute with earnestness and indeed with vigor, she should do so, but while she may
47 strike hard blows, she is not at liberty to strike foul blows, it is as much her duty to refrain from improper convictions, as it
48 is to use all legitimate means to bring about just convictions.

49 359. Declarants have been presented with no evidence and believe that none exists that pursuant to the 6th Amendment, an
50 accused party is not to be afforded the right to know the venue, jurisdiction, parties of interest, right of action, cause of
51 action upon which the action is based and under what substantive system of law the prosecuting entity and tribunal are
52 operating under.

360. Declarants have been presented with no evidence and believe that none exists that all agents of the United States are ignorant of the fact that Chief Justice Howard Taft did not declare that United States District Court was a mere territorial court in the decision of Balzac v. Porto Rico (1922) 42 S.Ct. 343, 258 U.S. 298, 66 L.Ed. 627, at 258 U.S. 312).
361. Declarants have been presented with no evidence and believe that none exists all agents of the United States are ignorant of the fact that Justice Sutherland in the majority opinion in O'Donoghue v. United States, 289 US 516 (1932) "held that territorial courts are "legislative" courts, created in virtue of the national sovereignty or under Art. IV, § 3, Cl. 2, of the Constitution, vesting in Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and that they are not invested with any part of the judicial power defined in the third article of the Constitution." "... They are incapable of receiving it" . . . The jurisdiction with which they are invested, is not a part of that judicial power which is defined in the 3d article of the Constitution, but is conferred by Congress, in the execution of those general powers which that body possesses over the territories of the United States.
362. Declarants have been presented with no evidence and believe that none exists that Declarants have not raised this foundational jurisdictional element challenge at any time in any of their presentments to the court.
363. Declarants have been presented with no evidence and believe that none exists that AGENT ANDY ROMAGNUOLO has not charged the Declarants with alleged statute violations, which statutes specifically pertain to territorial activities that are applicable to those residing in the District and territories exclusively as evident in the federal regulations promulgated for the application of said statutes listed by AGENT ANDY ROMAGNUOLO in the affidavit submitted to obtain the search warrant.
364. Declarants have been presented with no evidence and believe that none exists that AGENT ANDY ROMAGNUOLO has not failed to allege by affirmation and oath under penalties of perjury that the Declarants violated an activity or duty of the Declarants under the jurisdiction of the FBI, the IRS or the DOJ.
365. Declarants have been presented with no evidence and believe that none exists that after reviewing the regulations published by the Secretary of the Treasury (of Puerto Rico— See 27 CFR § 250.11), pertaining to Title 26 USC – Subtitle F in general, and §§ 7201 and 7206, one will not find that they are only *interpretative/procedural regulations* which do not have the "force and effect of the law" per Chrysler Corp. v Brown (1979, US) 60 L Ed 2d 208, 99 S Ct 1705, Joseph v United States Civil Service Com. (1977) 180 App DC 281, 554 F2d 1140.
366. Declarants have been presented with no evidence and believe that none exists that the regulations under Subtitle F can only be applied to taxes imposed on Alcohol, Tobacco and Firearms under Title 27 part 70 of the United States Code. These are Subtitle E (excise) taxes. Excise taxes are authorized to be enforced and collected only by the Bureau of Alcohol, Tobacco and Firearms (BATF) under Title 27 CFR, not the Internal Revenue Service under Title 26 CFR.
367. Declarants have been presented with no evidence and believe that none exists that Title 27 CFR is not a legislative progression of the former Bureau of Industrial Alcohol and Commissioner of Industrial Alcohol, and when abolished by Executive Order #6639 of March 10, 1934, the "authority, rights, privileges, powers, and duties conferred and imposed by law on the Commissioner of Industrial Alcohol" were not "transferred to and held, exercised, and performed by the Commissioner of Internal Revenue, and his agents, and inspectors, under the direction of the Secretary of the Treasury." (See Exhibit, Executive Order #6166)
368. Declarants have been presented with no evidence and believe that none exists that the entirety of the Bureau of Industrial Alcohol, including all papers, records, equipment, supplies, officers, agents, employees did not 'transfer' to the Bureau of Internal Revenue and that said officers, employees, agents transferred without change in classification or compensation.
369. Declarants have been presented with no evidence and believe that none exists that the repeal of "prohibition" by repeal of the unconstitutional 18th Amendment, did not cause to be created the National Prohibition Act, and that by the Act of May 27, 1930 (ch. 342, 46 Stat. 427) "the authority, rights, privileges, powers, and duties conferred and imposed upon the Attorney General" did not "transfer... certain functions in the administration of the National Prohibition Act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes."
370. Declarants have been presented with no evidence and believe that none exists that the authorities, rights, powers etc. transferred to the Attorney General, [only] "so far as they are required to, or may, be exercised and performed under existing law, are transferred to and shall be held, exercised, and performed by the Commissioner of Internal Revenue, and his assistants, agents, and inspectors, under the direction of the Secretary of the Treasury."
371. Declarants have been presented with no evidence and believe that none exists that "Executive Order 6639 of Mar. 10, 1934" did not "revoke Executive Order 6166 insofar as it was in conflict with the provisions of Executive Order 6639. Sec. 1(b) of Executive Order 6639", and as a result Sec. 1(b) remained in effective free of conflict as follows, "That the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, shall prescribe all regulations

under the provisions of the National Prohibition Act, and all laws amendatory thereof or supplementary thereto, which were not rendered inoperative by the repeal of the eighteenth amendment,..."

372. Declarants have been presented with no evidence and believe that none exists that the *Bureaus of Internal Revenue and of Industrial Alcohol of the Treasury Department* were not consolidated in a Division of Internal Revenue, at the head of which shall be a Commissioner of Internal Revenue.

373. Declarants have been presented with no evidence and believe that none exists that the Commissioner of Internal Revenue was not delegated full power and authority of the former Bureau of Internal Revenue and the former Bureau of Industrial Alcohol by operation of Executive Order 6166 and operation of the Bureau of Internal Revenue and the Division of Internal Revenue.

374. Declarants have been presented with no evidence and believe that none exists that the Department of Justice and the Division of Internal Revenue, also known as the Bureau of Internal Revenue, did not share delegation of authority for the enforcement and collection of certain types of federal taxes, and that the primary thrust of the tax collection and enforcement scheme is largely related to Alcohol, Tobacco, and Firearms, which is what the Bureau of Alcohol, Tobacco, and Firearms derives its authorities from.

375. Declarants have been presented with no evidence and believe that none exists that the Division of Internal Revenue, also known as the Bureau of Internal Revenue, was not "*re-designated as the Internal Revenue Service by Treasury Department order 6038 of Aug. 21, 1953 (18 FR 5120).*"

376. Declarants have been presented with no evidence and believe that none exists that the Internal Revenue Service has Constitutional or statutory authority to operate on the People of the States, who are not 'residents', 'aliens', 'U.S. citizens', 'U.S. persons' or 'personnel', and who are not engaged in an excise taxable activity of privilege to 'engage in a trade or business' [meaning 'in the conduct or performance of a public office].

377. Declarants have been presented with no evidence and believe that none exists that pursuant to Treasury Delegation Order No. 92, the IRS is not trained under the direction of the Division of Human Resources United Nations (U.N.) and the Commissioner (INTERNATIONAL) by the Office of Personnel Management.

378. Declarants have been presented with no evidence and believe that none exists that in the 1979 edition of 22 USCA

379. Declarants have been presented with no evidence and believe that none exists that the provisions set forth in Executive Order #6166 of June 10, 1933, were not made and issued by then President and Commander-in-Chief, Franklin Delano Roosevelt just five days after the passing of HJR-192 on June 5, 1933 (now Public Law 73-10 and 59 S.Ct. 847 FN/3). AND approximately one month + a few days after the Conference of the Governors convened on March 6, 1933 wherein the Governors (State executive officers) resolved to accept federal "benefits" of "federal grants" offered to the States by the Federal United States as the "consideration" of a commercial agreement between themselves.

380. Declarants have been presented with no evidence and believe that none exists that the Conference of Governors of March 6, 1933 did not result in the "pledge" by the States of their "full faith and credit" and agreed to obey the dictates of Congress, and assume their portion of the National Debt or "public debt" collected as "your fair share" under the unlawful federal income tax scheme, and that this "pledge" did not novate or reaffirm the "pledge" given by the States at the time of the creation of the unconstitutional and wholly illegal private Federal Reserve Bank System of 1913.

381. Declarants have been presented with no evidence and believe that none exists that the "faith and credit" of the States was based upon the "faith in credit" of the People who were Citizens of the States.

382. Declarants have been presented with no evidence and believe that none exists that under the Bankruptcy of the United States, 1933, Executive Order #6166 as well as others, when combined with 'emergency legislation' of Congress and the States, did not completely 'federalize' (franchise, incorporate) all functions of the national and state governments as well as the People into a new 'reorganized' 'government' wherein said 'government' has nothing to do with the People and the Union of the compact states under the compact U.S. Constitution for the United States of America. This is most apparent in review of the Appendix to Title 5 U.S.C..

383. Declarants have been presented with no evidence and believe that none exists that the Bankruptcy did not give rise to a new statutory-administrative scheme which emerged through a progression of legislative acts of Congress, Executive Orders, and equivalent thereof at the State level, a silent 'federalism'-'corporatism' quickly consumed the People and their Republican form of government with the appearance of 'constitutional democracy' with a twist of socialism.

384. Declarants have been presented with no evidence and believe that none exists that Title 26 CFR Part 1 does not pertain to Income Taxes of which there are no enforcement provisions in Part 1.

- 1 385. Declarants have been presented with no evidence and believe that none exists that the BATF does not receive its
2 enforcement authority from the Under-secretary for Enforcement under the Department of the Treasury, whereas the IRS
3 does not.
- 4 386. Declarants have been presented with no evidence and believe that none exists that the Department of the Treasury's own
5 Organization chart published in the United States Government Manual of 1998-1999 on page 451, does not clearly indicate
6 that the IRS is not listed as an agency, bureau operating under the authority of the Undersecretary for Enforcement under
7 the Department of the Treasury.
- 8 387. Declarants have been presented with no evidence and believe that none exists that any specific tax forms that may be
9 referred to in any judicial proceeding against Declarants "accused" did not come directly from the Internal Revenue
10 Service by U.S. Mail service.
- 11 388. Declarants have been presented with no evidence and believe that none exists that any specific tax forms designated OMB
12 # 1545-0074 form 1040 sent by the IRS through the U.S. Mail service to the Declarants were not the wrong forms for the
13 purpose of filing income taxes provided in IRC/Title 26 USDC Subtitle A Part I, § 1 which taxes are implemented by Title
14 26 CFR Part 1.1-1 that provides in title 26 CFR Part 602.101-Office of Management and Budget Control Number Under
15 the Paperwork Reduction Act, § 602.101(c) - Display provides that 26 CFR Part 1.1-1 OMB control no. is 1545-0067
16 which pertains to FOREIGN EARNED INCOME to be filled out on form 2555.
- 17 389. Declarants have been presented with no evidence and believe that none exists that foreign earned income is not derived
18 from activities of a territorial nature as opposed to an intrastate activity.
- 19 390. Declarants have been presented with no evidence and believe that none exists that the IRS deliberately has not sent the
20 Form 1040 through the U.S. Mail or made reference in demand notices thereof to the accused in violation of your mail
21 fraud statutes for purposes of fraud, deceit creation of false-fraudulent securities, and unjust enrichment.
- 22 391. Declarants have been presented with no evidence and believe that none exists that AUSA Jill Rose, as an attorney and a
23 federal prosecutor, is not presumed to have "superior knowledge of the law" along with Agent Andy Romognoulo, and
24 have not been duly noticed of the erroneous application of title 18 USC § 341, 541, 1341 and Title 26 in the instant matters
25 and have not refused to correct the record as required by the principles of good faith, clean hands, and fair dealing in the
26 interest of justice.
- 27 392. Declarants have been presented with no evidence and believe that none exists that the most ineffective teacher is not a
28 hypocrite and that silence is not equated with fraud. U.S. v. Tweel, (1977), 550 F 2d 297. Failure to answer is Silence.
29 "Silence can only be equated with fraud where there is a legal or moral duty to speak, or when an inquiry left
30 unanswered would be intentionally misleading."
- 31 393. Declarants have been presented with no evidence and believe that none exists that the Secretary of the Treasury (of Puerto
32 Rico?) promulgated Title 26 CFR Part 1 and Part 602 which designate that Form 2555 is the only form required to be
33 filled out and filed for Title 26 USC Subtitle A Part I § 1 et seq. pertaining to individual income taxes.
- 34 394. Declarants have been presented with no evidence and believe that none exists that the source of authority and law for the
35 payment and collection of the income tax does not originate in the Social Security Act of 1935, Section 801, that being a
36 voluntary act to accept and utilize the said Social Security number and account. (See Exhibit, "Memorandum and Notice
37 to Persons Demanding Social Security Number") and (See Exhibit, "Political Union or Political Chaos")
- 38 395. Declarants have been presented with no evidence and believe that none exists that appearing from all documentary
39 evidence, the Internal Revenue Service Agents etc., were not created by an Act of Congress, and are not in fact "Agents
40 of a Foreign Principal" (See "Foreign Agents Registration Act of 1938"); and that the IRS is not directed and controlled by
41 the corporate "Governor" of "THE FUND" aka "Secretary of Treasury" (See: Public Law 94-564, pg. 5942, U.S.
42 Government Manual 1990/91, pgs. 480-481, 26 USC 7701(a)(11), Treasury Delegation Order No. 150-10, and the
43 corporate "Governor" of "THE BANK" 22 USC 286 & 286a and 611(c), (ii) with the IRS acting as "information-service
44 employees and have been and do "solicit, collect, disburse, or dispense contribution (Tax-pecuniary contribution, Black's
45 Law, 5th Ed.) loans, money or other things of value for or in interest of such foreign principal, "THE FUND." (See
46 Exhibit, "PUBLIC NOTICE" re: "IRS Identity and Principal of Interest")
- 47 396. Declarants have been presented with no evidence and believe that none exists that Henry M. Paulson, is not current
48 Secretary of the Treasury while at the same time is not also the U.S. corporate Governor of the International Monetary
49 Fund (Fund) and the International Bank for Reconstruction and Development (Bank) and receives no compensation from
50 the United States but instead receives commissions from the Fund and the Bank.
- 51 397. Declarants have been presented with no evidence and believe that none exists that Congress has not declared the Bible to
be the Word of God.

- 1 398. Declarants have been presented with no evidence and believe that none exists that the Bible does not teach that no man can
2 serve two masters.... he will either love one and hate the other or he will despise one and cleave to the other.
- 3 399. Declarants have been presented with no evidence and believe that none exists that in light of the foregoing biblical premise
that does not Henry M. Paulson hate and despise the United States of America, a constitutional republic.
- 4 400. Declarants have been presented with no evidence and believe that none exists that Henry M. Paulson, who is corporate
5 Governor of the Fund and the Bank does not provide compensation for all federal officers, agents and employees of the
6 federal government.
- 7 401. Declarants have been presented with no evidence and believe that none exist that Henry M. Paulson is not also alternate
8 permanent member to INTERPOL and has disavowed national allegiance to the United States and the United States of
9 America and operates solely as an unregistered Foreign Agent within the United States government.
- 10 402. Declarants have been presented with no evidence and believe that none exists that the Federal Reserve Banking System is
11 the fiscal and depository agent for the Fund and the Bank.
- 12 403. Declarants have been presented with no evidence and believe that none exists that the Constitution of the United States of
13 America secures to anyone the privilege of defrauding the public. Easton v. Iowa, 188 US 452 @ 454.
- 14 404. Declarants have been presented with no evidence and believe that none exists that on May 4, 1992, the honorable
15 Congressman from Texas, Henry Gonzalez openly stated on the House floor that the Department of the Treasury and the
16 Federal Reserve System are both insolvent.
- 17 405. Declarants have been presented with no evidence and believe that none exists that Henry Gonzalez did not further state on
18 the House floor that "The dollar has lost about 60-plus percent of its value just since 1986, and against gold it is over 1,000
19 percent loss of value."
- 20 406. Declarants have been presented with no evidence and believe that none exists that a right of action cannot arise out of
21 fraud or *nudum pactum*.
- 22 407. Declarants have been presented with no evidence and believe that none exists that Alberto Gonzales as Attorney General
23 of the United States is not a permanent member of INTERPOL.
- 24 408. Declarants have been presented with no evidence and believe that none exists that the INTERPOL Constitution at Article
25 30 does not require all members of INTERPOL to renounce their allegiance to their respective nation or state while a
member of INTERPOL, and that if such allegiance is affirmed by the Attorney General and U.S. Treasury Secretary, they
do not have an inherent conflict of interest in breach of national security and other relevant material issues of fact and law
related thereto:

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30 *"In the exercise of their duties, the Secretary General and the staff shall neither solicit nor accept instructions*
31 *from any government or authority outside the Organization. They shall abstain from any action which might be*
32 *prejudicial to their international task."*

- 33 409. Declarants have been presented with no evidence and believe that none exists that Henry Paulson as Secretary of the
34 Treasury is not the alternate member of INTERPOL.
- 35 410. Declarants have been presented with no evidence and believe that none exists that the Internal Revenue Service is not a
36 member in a one hundred fifty (169) nation pact called the "International Criminal Police Organization" INTERPOL found
37 at Title 22 USC 263a.
- 38 411. Declarants have been presented with no evidence and believe that none exists that the U.S. Attorney General and the U.S.
39 Secretary of the Treasury have entered into an agreement to solicit and collect information for Foreign Principals and
40 further, in certain cases said Attorney General and associates are directed by the said Secretary of the Treasury to represent
41 the interests of the said Foreign Principal per 22 USC § 611 (c), (1) (iv), see also 26 USC § 7401.
- 42 412. Declarants have been presented with no evidence and believe that none exists that in Russell v. Allen, 107 U.S. 163; 27
43 Led. 397, the court did not find that *"the United States Government may be the trustee of a charitable trust"*, and that
44 one certain way that this could be plausible and probable is in the event of national bankruptcy under 'equity receivership'
45 subject to International Law of Nations, Chapter 11 proceedings; and/or that this hypothesis is not clearly described in the
46 address of U.S. House of Representative James Traficant, Jr. from Ohio on March 17, 1994, where he says in-part that
47 "the receivers of the United States Bankruptcy are the International Bankers, via the United Nations, the World Bank, and
48 the International Monetary Fund. All United States Offices, Officials, and Departments are now operating within a de
facto status in name only under the Emergency and War Powers." Read and weep. (See Exhibit, Rep. James Traficant,

Jr., March 17, 1994. Address to the House of Representatives) and (See Exhibit. Rep Louis T. McFadden. June 10, 1932. Address to the House of Representatives)

413. Declarants have been presented with no evidence and believe that none exists that the Declarants cannot, should not, and do not have cause to rely on the written or spoken statements of fact and of law which the elected Representatives of the people may make on any subject which may be of national importance and of importance to the states and the people.

414. Declarants have been presented with no evidence and believe that none exists that if Alberto Gonzales as Attorney General of the United States Government is a permanent member of INTERPOL, it follows that his subordinates are required to register as agents of a foreign principal pursuant to 22 USC § 611-617 and a failure to file said "Foreign Agents Registration Statement" goes directly to the jurisdiction, and lack of standing to be before an Article III Court, and further is a felony pursuant to your own Title 18 USC §§ 219, 912, & 951.

415. Declarants have been presented with no evidence and believe that none exists that one who suffers from a conflict of law interest or allegiance has no lawful standing to prosecute a cause of action in light of Biblical passage found at Luke 16:13 pertaining to "NO MAN CAN SERVE TWO MASTERS."

416. Declarants have been presented with no evidence and believe that none exists that the Supreme Court of the United States has not repeatedly declared that unless a department or agency is created by Congress, it has no legitimate authority per Norton v. Shelby County (1886), 118 US 425, 441 and United States v. Germañe, (1879), 99 US 508.

417. Declarants have been presented with no evidence and believe that none exists that the FBI was not created by the Attorney General in 1908 and was not later specifically limited in its scope and authority pursuant to 28 USC 535 to investigating U.S. government officers and employees.

433. Declarants have been presented with no evidence and believe that none exists that constitutional restrictions and limitations were not applicable to the area of lands, enclaves, territories and possessions over which Congress had exclusive legislative authority. Downes v. Bidwell, 182 US 244.

434. Declarants have been presented with no evidence and believe that none exists that if there is not an interstate commerce nexus there can be no enforcement of IRC/Title 26 USC subject matter jurisdiction nor those Title 18 USC statutes not published in the Federal Register.

435. Declarants have been presented with no evidence and believe that none exists that Declarants have previously made administrative demands on the IRS to prove on the administrative record that Form 2555 is not the proper form to fill out for IRC/Title 26 USC-Subtitle A - Part I, Section I income tax purposes pursuant to the regulation promulgated by the Secretary of the Treasury pursuant to 26 CFR Part 1.1-1 in light of 26 CFR Part 602.101(c). Tweel supra, Norton v. Shelby County, 118 US 425 (1886), 16 Am Jur 2d Constitutional Law § 256, to wit:

"The general rule is that an unconstitutional statute, whether federal or state, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it, and unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. No repeal of such an enactment is necessary".

436. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo ever provided proof of evidence on any record of this matter that the alleged crimes charged against the Declarants in any affidavit of probable cause occurred within the venue of exclusive legislative jurisdiction of Congress as required by Article I, Section 8, Clause 17, or Article IV, Section 3, Clause 2 in light of 40 USC § 255 wherein FRCrimP Rule 54(c) (now Rule 1) would apply regarding an Act of Congress, by which a federal court could acquire subject matter jurisdiction. U.S. v. Bateman supra, U.S. v. Watkins, 22 F. 2d 437 (1927), People v. Brown supra.

437. Declarants have been presented with no evidence and believe that none exists that the Supreme Court of the United States has not held, "Special provision is made in the constitution for the cession of jurisdiction from the states over places where the federal government shall establish forts or other military works. And it is only in these places, or in territories of the United States, where it can exercise a general jurisdiction." New Orleans v. U.S., 35 (10 Pet., 737) 662 (1836)

438. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo in bad faith, has not said that he seeks to indict Declarants, without ever probing the material facts and law herein expressed on/for any administrative "investigatory" record that he, the FBI, THE IRS the DOJ or the USDC, Western Division of North Carolina, or Seattle ever had in personam or subject matter jurisdiction, even after being repeatedly challenged on this very issue.

1 439. Declarants have been presented with no evidence and believe that none exists that the Supreme Court of the United States
2 has not held that "It is a well established principle of law that all federal legislation applies only with the territorial jurisdiction
3 of the United States unless a contrary intent appears." Foley Brothers, Inc. v. Filardo, 336 US 281 (1948).

4 440. Declarants have been presented with no evidence and believe that none exists that said Agent Andy Romagnuolo's use of
5 charging statutes in the indictment against the accused do not evidence on the face of the search warrants or affidavit of
6 probable cause any implementing regulations that authorized said statutes, public laws and or code sections to be applied
7 outside the seat of the government per 4 USC § 71-72 and further, within the several States of the Union party to the
8 Constitution for the United States.

9 441. Declarants have been presented with no evidence and believe that none exists that for federal tax purposes, the regulations
10 govern and criminal penalties attach only upon violation of regulations promulgated by the Secretary; if the Secretary were to
11 do nothing, the Act itself would impose no penalties on anyone. California Bankers v. Schultz, 41 US 21.

12 442. Declarants have been presented with no evidence and believe that none exists that Andrew F. Romagnuolo and Jill Rose
13 do not have a duty to disclose these critical foundational facts and elements of law to the Grand Jury to "fully inform" them of
14 the law and the facts to the detriment of the fundamental guarantee of constitutional due process of law for the accused.

15 443. Declarants have been presented with no evidence and believe that none exists that AUSA Jill Rose, as United States
16 Attorney, in behalf of the United States, can initiate any criminal cause of action in North Carolina or Washington state without
17 foundation in the well established constitutional criterion "that the incident occurred on federal land ceded to the federal
18 government by a sovereign State pursuant to Article I, Section 8, Clause 17 or Article IV Section 3, Clause 2," and
19 implemented by Title 40 USC § 255 in light of Caha and Foley cases supra.

20 444. Declarants have been presented with no evidence and believe that none exists that Judge Lacy Herman Thornburg or any
21 USDC Court Judge, as United States District Court Judge, can preside over or adjudicate any criminal cause of action in North
22 Carolina or Washington state without foundation in the well established constitutional criterion "that the incident occurred on
23 federal land ceded to the federal government by a sovereign State pursuant to Article I, Section 8, Clause 17 or Article IV
24 Section 3, Clause 2," and implemented by Title 40 USC § 255 in light of Caha and Foley cases supra.

25 445. Declarants have been presented with no evidence and believe that none exists that in any action with any Court, the true
26 NATURE AND CAUSE of that action is that of BANKRUPTCY, and that the accused is not the TRUE DEBTOR in 'equity
27 receivership' under administrative, executive, legislative, or judicial authority of any Trustee in Bankruptcy, or implied
28 charitable constructive trust which may have crossed over the line of separation of powers between church and state.

29 446. Declarants have been presented with no evidence and believe that none exists that all criminal tax prosecutions are not
30 essentially bills of attainder in light of the lack of a full disclosure by the prosecutor in a grand jury indictment, and that they
31 are not all conducted under admiralty rules.

32 447. Declarants have been presented with no evidence and believe that none exists that Mark Everson and Donald Korb, while
33 having "superior knowledge of the law" do not continue to maintain collection actions against the Declarants based upon
34 mistakenly filed improper tax forms [now corrected] for U.S. Individual Income Tax Returns harmlessly executed by the
35 accused under the premeditated disinformation of representatives of the IRS who sent false tax forms with instructions through
36 the U.S. mail in violation of the mail fraud statutes. Declarants have provided Everson and Korb copies of corrected 1040NR
37 tax returns which have never been rebutted or responded to by an agent of the IRS, and can only be deemed as accepted.

38 448. Declarants have been presented with no evidence and believe that none exists that generally speaking, judicial procedure
39 for collection of the normal tax and Social Security-related legislation are not scattered through titles 5, 26, 31, 42, and other
40 titles, when delinquent, the General Accounting Office, as general agent for the Treasury of the United States, is responsible
41 for initiation of judicial proceedings, not the Internal Revenue Service, for enforcing the true taxing authority for Subtitles A
42 and C and administrative and judicial sections in Subtitle F of Title 26, the Internal Revenue Code.

43 418. Declarants have been presented with no evidence and believe that none exists that the Affidavit of Probable Cause
44 executed by Agent Andy Romagnuolo was made pursuant to 28 USC § 1746, and/or that the charges alleging violations of
45 18 USC 341, 514 and 1341 were sworn or affirmed by him under penalty of perjury making the subsequent Search
46 Warrant issued by a Magistrate Judges defective, deficient, null and void.

47 419. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo is not aware
48 of exculpatory evidence in the form of Judicial Orders in both state and federal court finding the use of Bills of Exchange
49 legitimate in discharge and settlement of existing debt.

50 420. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo and any U.S.
51 Attorney involved in review of investigative findings is not duty bound to take mandatory legal notice of all exculpatory
52 evidence in every matter of fact and law that he/she investigates as well as present all exculpatory evidence to the DO, its
agents, as well as the grand jury.

421. Declarants have been presented with no evidence and believe that none exists that citizens of the several states may not rely in good faith on the holdings of federal and state judicial officers.
422. Declarants have been presented with no evidence and believe that none exists that any citizen of the several states can be prosecuted for relying on the holdings and judicial orders of state and federal judicial officers.
423. Declarants have been presented with no evidence and believe that none exists that the People do not have a protected and guaranteed right under the First Article of Amendment to the Constitution of the United States to protest and demand redress of grievances as well as assemble against unlawful and unconstitutional acts of Congress and their resulting progeny in the form of the private banking cartel known as the Federal Reserve System.
424. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo is not engaging in malicious, tortuous, selective investigative activities intending to chill the rights and immunities of the citizenry with respect to their protestations against an unconstitutional and corrupt monetary system. (See Exhibit, "FBI-Dismantlement" Mission)
425. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo has not stated in Affidavit of Probable Cause that Declarants are attempting to discharge valid debt.
426. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo is not presumed to know the law.
427. Declarants have been presented with no evidence and believe that none exists that the Affidavit by Walker Todd, an assistant counsel for the Federal Reserve for over 20 years and expert witness for the United States government, does not clearly and lawfully set forth the fact that those engaged in consumer debt transactions as "borrowers" are not the fiduciary creditors in fact and that the purported lender is not the fiduciary debtor in fact. (See Exhibit, Walker Todd Affidavit)
428. Declarants have been presented with no evidence and believe that none exists that Walker Todd's affidavit does not establish that the alleged lender fails to deliver any valuable consideration for the "borrowers" signature on the application and promissory note or any security interest thereon.
429. Declarants have been presented with no evidence and believe that none exists that in fact and in law, Declarants attempt to discharge and settle records of account via *flow-through* presentment to the U.S. Secretary of the Treasury [Trustee for the Bankruptcy of the United States], for further forward by him to the Secretary of the Treasury by virtue of having direct access is not a more than proper and necessary function of the U.S. Treasury Secretary's duties and has been found to be just that in Bank One v Ward and U.S. v Williamson. (See Exhibits X and XX)
430. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo's threats of imminent indictment in total disregard for the fact of Declarants' reliance on the prior judicial orders of state and federal judicial officers does not constitute extortion, false claims, creating false impression and false liability, false securities, mixed war, and a protection racket for the benefit of private domestic and international banking interests as well as for his peers and superiors.
431. Declarants have been presented with no evidence and believe that none exists that there is not documentation on the Internet that supports the premise that the Revolutionary War and the Civil War were both perpetrated by elaborate constructive frauds on the American People.
432. Declarants have been presented with no evidence and believe that none exists that the Declarants have not previously alleged on various administrative and judicial records that all Federal Judges, Congressmen, U.S. Attorneys, State Judges, Legislators and most attorneys know about the fraud of the Revolutionary War and are in fact British agents operating in 'proxy' for their foreign principal(s), and this allegation has not been denied on the record by or of the Court which is equated with tacit agreement and admission.
433. Declarants have been presented with no evidence and believe that none exists that the function of all lawyers/agents of the foreign principal is not to keep the people in line and make them be productive (economic) subjects for which they, the agents, are greatly compensated for, through taxation on the American people by various unregistered foreign agents masquerading as government personnel of the United States and each state governments.
434. Declarants have been presented with no evidence and believe that none exists that the Declarants have not squarely challenged the jurisdiction of the court by stating in a previous notice to the court that they are a subject of Great Britain, that they are a party to the Constitution of the United States and that the Laws, Statutes, and the privately copyrighted Codes relied upon by the FBI, IRS and DOJ do or could lawfully apply to the Declarants.
435. Declarants have been presented with no evidence and believe that none exists that demand was not made upon Agent Andy Romagnuolo to prove that the Constitution of the United States and that the Laws, Statutes and the privately copyrighted Codes relied upon by the FBI, IRS and DOJ may be lawfully applied to the Declarants.

436. Declarants have been presented with no evidence and believe that none exists that the Declarant Michael Hannigan has not executed on October 10, 2003 an TRUTH AFFIDAVIT pertaining to the Bankruptcy of the United States of 1933, and recorded same on the public record via Haywood County Register of Deeds at Bk. 576 and Pg. 1147, as well as entered and tendered it as an offer of proof of evidence inside a Chapter 7 Bankruptcy proceeding in late 2004 in the United States Bankruptcy Court, Western District of North Carolina, Asheville Division, and that said Affidavit is not self authenticating evidence under the rules of evidence or has ever been refuted, objected to, or rebutted. (See Exhibit, Truth Affidavit re: Bankruptcy of the United States, 1933)

437. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo, the DOJ and IRS have not been served with evidence of the freely chosen political status of of the Declarants, such evidence not having been rebutted by said recipients, and therefore does not act as an equitable- legal estoppel [in pais] against Agent Andy Romagnuolo, the DOJ and IRS from claiming *in personam* jurisdiction, and that Affiants are "U.S. residents", "U.S. taxpayers", "U.S. citizens", "persons", "individuals", "employees", "officers", "officials", "agents", "fiduciaries" or "beneficiaries", or proxy for/of the United States, engaged in a "trade or business", receiving any federal benefits or are entitled to same.

438. Declarants have been presented with no evidence and believe that none exists that Declarants have not raised the question regarding the status of the United States District Court in its relation to the Constitution, namely is it an Article IV court or an Article III court given the fact that Balzac v. Porto Rico and other Supreme Court decisions have declared that USDC was a territorial court incapable of exercising Article III powers and Judge Thornburg has failed to respond to this legitimate challenge to the subject matter jurisdiction of the court, much to the detriment and injury-in-fact bearing down on Declarants due to threat of impending indictment.

439. Declarants have been presented with no evidence and believe that none exists that when the accused raised constitutional issues to the attention of either the court or Agent Andy Romagnuolo the universal retort has always been, "this is a frivolous matter."

440. Declarants have been presented with no evidence and believe that none exists that Agent Andy Romagnuolo, the USDC Judges, the U.S. Attorney and the IRS do not have authority to ignore, circumvent or disregard in totality, the following Supreme Court authorities upholding the clear intent of Congress in order to decimate constitutional guarantees and to advance political and personal ambitions of the government's elected and appointed representatives: Slaughter-House Cases, 83 U.S. 36; United States v. DeWitt, 76, US 41; Gibbons v. Ogden, 22 US 1; Keller v. United States, 213 US 138; US 336 (1818); Maine v. Thiboutot, 100 S. Ct. 2502; Caha v. United States, 152 US 357, 29 S Ct 511 (1909); United States v. Jin Fuey Moy, 241 US 394, 36 S Ct. 658 (1916); United States v. Bowman, 260 US 94, 97, 98 43 S Ct 39 (1922); Linder v. United States, 268 US 5, (1925); Nigro v. United States, 48 S. Ct. 388 (1927); Blockburger v. United States, 284 US 299, 304 (1931); Blackmer v. United States, 284 US 421, 437, 52 S Ct 252 (1932); A.L.A. Schechter Poultry Corp. v. United States, 295 US 495, 55 S Ct. 837 (1935); Puerto Rico v. Shell Company, 302 US 253, 82 L Ed 235, 58 S Ct 167; Oklahoma ex rel. Phillips v. Guy F. Atkinson Co., 313 US 508, 534, 85 L Ed 1487, 61 S Ct. 1050 (1941); United States v. Darby, 312 US 100, 124, 85 L Ed. 609, 61 S Ct. 451, 132 ALR 1430 (1941); Adams v. United States, 317 US 312 (1943); United States v. Oregon, 366 US 643, 649, 6 L Ed 552, 66 S Ct. 438, (1946); Foley Brothers v. Filargo, 336 US 281 (1949); United States v. Spelar, 338 US 217, 222, 70 S Ct. 10 (1949); Cohens v. Virginia, 6 Wheat. (19 US) 264, 404 (1821); United States v. Fox, 95 US 670, 672 (1877).

441. Declarants have been presented with no evidence and believe that none exists that the allegations in the Affidavit of Probable Cause are grounded in total *dolus malus* of trickery, deceit and innuendos outside of proper territorial jurisdiction totally lacking constitutional venue or law. (See Exhibit, Fraud Cites)

442. Declarants have been presented with no evidence and believe that none exists that the Declarants have not challenged subject matter jurisdiction of the USDC court and demanded that the issue of subject matter jurisdiction be addressed immediately in light of the decision of Maine v. Thiboutot and the other cases which have held: "Once jurisdiction is challenged, it must be proven."

443. Declarants have been presented with no evidence and believe that none exists that the Declarants "accused" maintain that the USDC at Asheville, North Carolina and USDC at Washington has no jurisdictional authority to hear any cause which pertains to alleged incidents that the FBI and U.S. Attorney Office cannot but admit occurred in/on North Carolina and Washington and not in the District of Columbia, a territory, enclave, or possession of United States. FRCrimP — Rule 54(c) (now Rule 1).

444. Declarants have been presented with no evidence and believe that none exists that the Supreme Court of the United States has not held, "It is well established that the federal government may acquire property within the boundaries of a state for governmental use but, as a general rule, in order to deprive the state courts of jurisdiction over it there must be a surrender of jurisdiction by the state and an acceptance of jurisdiction by the United States." See Fort Leavenworth R. Co. v.